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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/715,250	11/17/2003	Brian J. Corell	200310748-1	4984

22879 7590 11/01/2007

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EXAMINER	
PANTOLIANO JR, RICHARD	
ART UNIT	**PAPER NUMBER**
2194	

MAIL DATE	DELIVERY MODE
11/01/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/715,250	CORELL ET AL	
	Examiner	Art Unit	
	Richard Pantoliano Jr	2194	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *31 August 2007*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-7,9,10,12,14,15 and 17-24* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-7, 9, 10, 12, 14, 15, and 17-24* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

WILLIAM THOMSON
SUPERVISORY PATENT EXAMINER

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. This office action is filed in response to amendments received on **31 August 2007** for Application# **10/715,250**. **Claims 1-7, 9, 10, 12, 14, 15, and 17-24** are currently pending and have been considered below.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. **Claim 1-7, 12, and 17-24** are rejected under 35 U.S.C. 102(b) as being anticipated by Jennings et al (US Pat: 6,717,593), hereafter Jennings.

4. As per **Claim 1,** Jennings discloses the invention substantially as claimed including a computer system comprising:

a) a central processing unit (CPU) (202 and 214, Fig. 2);

b) a memory unit coupled to the CPU (201 and 212, Fig. 2);

c) an application stored in the memory unit and executable by the CPU (130 and 132, Fig. 2); and

d) a facade server stored in the memory unit and executable by the CPU, wherein the facade server hosts the application without utilizing network protocols (Col. 8, lines 27-65) (The "interactor" can download the necessary XML and JavaScript files

from the server using inter-process communication instead of an HTTP connection when the server is co-located on the same computer with the interactor, thereby meeting this claim limitation).

5. As per **Claim 2,** Jennings further teaches a program stored in the memory unit and executable by the CPU, wherein the program creates an interface between the facade server and a web-browser for exchanging data associated with the application (130, Fig. 2 and Col. 8, lines 27-65).

6. As per **Claim 3,** Jennings further teaches wherein the program interacts with the facade server through a local protocol registered on the system (Col. 8, lines 27-65 and Col 9, lines 54-67) (Using an inter-process communication mechanism inherently requires that there be an established protocol between the two applications in order to allow for the proper communication of data).

7. As per **Claim 4,** Jennings further teaches wherein the application comprises one of a plurality of applications hosted by the facade server without utilizing network protocols (Col. 4, lines 21-34 and Col. 8, lines 27-65)

8. As per **Claim 5,** Jennings wherein the application, the facade server, and a web-server interface by which the application exchanges data with the facade server all

utilize a common address space (Col. 8, lines 27-65) (The co-location of the components meets this claim limitation).

9. As per **Claim 6,** Jennings further discloses a web-server, wherein the web-server handles connections to the application when operating in a network mode, and the facade server handles connections to the application when operating in a local-only mode (Col. 4, lines 35-52 and Col. 8, lines 27-65).

10. As per **Claim 7,** Jennings discloses the invention substantially as claimed including a method comprising:

a) generating application data from a web-based application hosted on an executable faced server via a web-server interface (Col. 8, lines 27-65; 210, Fig. 2 and Col. 4, lines 35-52) (The web server and the facade server are the same server, thereby meeting this claim limitation);

b) providing said application data from the executable faced server to a web-browser using a local protocol (Col. 4, lines 35-52 and Col. 8, lines 27-65); and

c) using said web-browser to display said application data on a display (Col. 4, lines 35-52 and Col. 8, lines 27-65).

11. As per **Claim 12,** being directed to computer readable media with executable instructions for performing the methods of **Claims 7**, this claim is rejected for the same reasoning as provided for **Claim 7**.

12. As per **Claim 17**, Jennings discloses the invention substantially as claimed including a computer system comprising:

a) means for executing programs (202 and 214, Fig. 2);

b) means for storing data coupled to the means for executing programs (201 and 212, Fig. 2);

c) means for generating application data from a web-based application, wherein the web-based application is stored in the means for storing data and executable by the means for executing programs (Col. 8, lines 27-65); and

d) means for hosting the web-based application, wherein the means for hosting the web-based application is stored in the means for storing data and executable by the means for executing programs (Fig. 2); and

e) wherein the means for hosting the web-based application does not utilize network protocols (Col. 8, lines 27-65) (The "interactor" can download the necessary XML and JavaScript files from the server using inter-process communication instead of an HTTP connection when the server is co-located on the same computer with the interactor, thereby meeting this claim limitation).

13. As per **Claim 18,** Jennings further teaches wherein a program executed by the means for executing programs interfaces the means for generating application data with a means for viewing the application data (132, Fig. 2 and Col. 4, lines 35-52 and Col. 8, lines 27-65).

14. As per **Claim 19,** Jennings further teaches wherein the means for hosting the web-based application is capable of mimicking a plurality of web-servers (120, Fig. 2; Col. 4, lines 35-52 and Col. 8, lines 27-65) (A web-server is merely an application, and 120, Fig. 2 shows that multiple applications can be run in the same physical server, thereby meeting this claim limitation).

15. As per **Claim 20,** Jennings further teaches wherein the web-based application comprises a plurality of web-based applications (120, Fig. 2 and Col. 4, lines 35-52 and Col. 8, lines 27-65).

16. As per **Claim 21,** Jennings further teaches means for hosting data on a network, wherein the means for hosting data on the network is stored in the means for storing data and is executable by the means for executing programs; and wherein the means for hosting data on a network handles connections to the web-based application when the system is operating in a network mode, and the means for hosting the web-based application without utilizing network protocols handles connections to the web-based application when operating in a local-only mode (Col. 8, lines 27-65) (The "interactor" can download the necessary XML and JavaScript files from the server using inter-process communication when the server is co-located on the same computer with the interactor and using an HTTP connection when not co-located, thereby meeting this claim limitation).

17. As per **Claim 22**, this claim is rejected for the same reasoning as provided for **Claims 5 and 7**.

18. As per **Claim 23**, this claim is rejected for the same reasoning as provided for **Claims 7**.

19. As per **Claim 24**, this claim is rejected for the same reasoning as provided for **Claims 5 and 12**.

Claim Rejections - 35 USC § 103

20. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

21. **Claims 9 and 14** are rejected under 35 U.S.C. 103(a) as being unpatentable over Jennings in view of Lerner (US Pat: 6,192,395).

22. As per **Claim 9,** Jennings further teaches wherein the local protocol uses a data transfer mechanism selected from the group consisting of software component models and data files.

23. Jennings does not explicitly teach wherein the group further consists of named data pipes and memory mapped I/O streams (Col. 8, lines 27-65).

24. Lerner teaches wherein the memory mapped I/O and named data pipes can be used (Col. 11, lines 23-67).

25. It would have been obvious to one of ordinary skill at the time invention to modify the method disclosed by Jennings with the teachings of Lerner. One would have been motivated by the fact that the disclosed limitations are common inter-process communication mechanisms that are essentially interchangeable (Jennings; Col. 8, lines 27-65).

26. As per **Claim 14,** being directed to computer readable media with executable instructions for performing the method of **Claims 9,** this claim is rejected for the same reasoning as provided for **Claim 9.**

27. **Claims 10 and 15** are rejected under 35 U.S.C. 103(a) as being unpatentable over Jennings in view of Elkan (US PGPub: 2002/0055940).

28. As per **Claim 10**, Jennings further teaches wherein the web-based application generates the application by utilizing a web-based technology selected from the group consisting of JavaScript and hypertext markup language (HTML).

29. Jennings does not explicitly teach wherein the web-based technology is selected from the group consisting of Perl, Java, active server pages (ASP) or hypertext preprocessing (PHP).

30. Elkan teaches wherein the web-based technology is selected from the group consisting of Perl, Java, active server pages (ASP) or hypertext preprocessing (PHP) (para. [0030]).

31. It would have been obvious to one of ordinary skill in the art at the time of invention to modify the method disclosed by Jennings with the teachings of Elkan. One would have been motivated by the fact that any scripting language or programming language can perform the tasks needed (Jennings; Col. 2, lines 12-53 and Elkan; para. [0030]).

32. As per **Claim 15,** being directed to computer readable media with executable instructions for performing the method of **Claims 10,** this claim is rejected for the same reasoning as provided for **Claim 10.**

Response to Arguments

33. Applicant's arguments filed **31 August 2007** have been fully considered but they are not persuasive.

34. In response to the Non-Final Office Action mailed **09 April 2007**, Applicant argues:

(1) the server disclosed by Jennings is a hardware server and not a facade server stored in memory, as recited in **Claim 1**; and

(2) Jennings fails to disclose and "web-server interface" as recited in **Claim 7**.

35. As to argument (1), examiner respectfully disagrees. Jennings clearly discloses that the server examiner has cited in the above rejection is a "stored-program-controlled" server, which is an unambiguous statement that the cited server contains a stored software component that controls its operation (col. 4, lines 47-52). Further, the server is disclosed by Jennings to allow for communication with the interposer of the client to communicate with the server using local inter-process communication arrangements when the documents for the application being served to the interposer are co-located on the same computer, thereby meeting all of the limitations in regard to the "facade server", as claimed by Applicant.

36. As to argument (2), examiner respectfully disagrees for the same reasoning as provided for argument (1) and, as disclosed, both explicitly and implicitly in numerous passages throughout the reference (e.g. col. 4, lines 48-53; col. 7, lines 35-54; col. 8, lines 27-65; figure 16 with accompanying passages; etc.), Jennings makes use of a Web server to deliver the documents that allow access to the underlying web-based application. Therefore, the limitations of the claim have been met.

37. Since all other claims were argued for the same reasoning as provided in arguments (1) and (2), the rejections of all other pending claims stand.

38. Examiner has cited particular columns and line numbers and/or figures in the references as applied to the claims for the convenience of the applicant. Applicant is respectfully reminded that rejections are based on references as a whole and not just the cited passages. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is Applicant's responsibility to read and understand the reference, as a whole, before preparing a reply to this Office Action. Therefore, it is respectfully requested from Applicant, in preparing the responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the cited art or disclosed by the examiner.

Conclusion

39. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

40. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

41. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Richard Pantoliano Jr whose telephone number is (571) 270-1049. The examiner can normally be reached on Monday-Thursday, 8am - 4 pm EST.

42. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Thomson can be reached on (571)272-3718. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

43. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

RP
10/29/2007

WILLIAM THOMSON
SUPERVISORY PATENT EXAMINER